

## UNITED STATES OF AMERICA

## NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

FIRE AND SINKING OF THE *CONCEPTION* \*

WITH LOSS OF LIFE NEAR \*

SANTA CRUZ ISLAND, CALIFORNIA, \*

SEPTEMBER 5, 2019 \*

\*

\* \* \* \* \*

Interview of: LCDR [REDACTED]  
Chief, Inspections Division

Thursday,  
September 5, 2019

## APPEARANCES:

ANDREW EHLERS, Marine Accident Investigator  
National Transportation Safety Board

ADAM TUCKER, Investigator in Charge  
National Transportation Safety Board

LCDR [REDACTED], Attorney  
United States Coast Guard

KEITH FAWCETT, Investigator  
Investigations National Center of Expertise (INCOE)  
United States Coast Guard

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of LCDR [REDACTED] :		
By Mr. Ehlers		5
By Mr. Tucker		27
By Mr. Fawcett		41
By Mr. Ehlers		43
By Mr. Tucker		44

I N T E R V I E W

(11:26 a.m.)

MR. EHLERS: Good morning. It's 11:26 a.m. at Coast Guard Sector LA/Long Beach. This is Marine Accident Investigator Drew Ehlers with the NTSB, here for the interview of Lieutenant Commander [REDACTED] from Sector LA/Long Beach.

I'll ask everyone in the room to introduce themselves and for you, [REDACTED], if you can spell your name for the recording.

So go ahead, Adam.

MR. TUCKER: My name is Adam Tucker. I'm an accident investigator with the National Transportation Safety Board.

LCDR [REDACTED]: My name is [REDACTED]. I'm a Lieutenant Commander with the U.S. Coast Guard, Chief of the Inspections Division. My name is spelled [REDACTED]; last name spelled [REDACTED].

LCDR [REDACTED]: My name is Lieutenant Commander [REDACTED]. I'm a senior staff attorney with U.S. Coast Guard District 11, Alameda.

MR. FAWCETT: Keith Fawcett, U.S. Coast Guard. I'm a member of the Commandant's Marine Board for the *Conception*.

MR. EHLERS: And this is being recorded, and you're okay with the interview being recorded?

[REDACTED]: Yes.

MR. EHLERS: Okay. Thanks.

INTERVIEW OF LCDR [REDACTED]

1 BY MR. EHLERS:

2 Q. Can you say again, your full title for your position,  
3 [REDACTED]?

4 A. Certainly. Do you mind if I take an administrative break  
5 real quick?

6 Q. Yes. We're going to pause the recording.

7 (Off the record.)

8 (On the record.)

9 MR. EHLERS: All right. Restarting the recording.

10 LCDR [REDACTED]: I have a difficult time hearing and that fan  
11 doesn't make things easier.

12 MR. EHLERS: It helps us and then probably the transcriber  
13 will appreciate it, as well.

14 LCDR [REDACTED]: I hope so. I hope so. Sorry. What was the  
15 question?

16 BY MR. EHLERS:

17 Q. State your full title as far as your position here.

18 A. Oh, sure. I'm the Chief of the Inspections Division here at  
19 Sector Los Angeles/Long Beach.

20 Q. Okay. And can you summarize what your duties are in that  
21 position?

22 A. Sure. As the Chief of the Inspections Division, I oversee  
23 three branches that execute our statutory missions as it relates  
24 to inspections of commercial vessels. Those three branches are  
25 the Port State Control Branch, and Port State Control Branch is

1 the inspection or examination, rather, of foreign commercial  
2 vessels; so not U.S. flagged. And then, I also oversee the  
3 Domestic Inspections Branch, which oversees inspections of all  
4 U.S. commercially inspected vessels. And then I also oversee the  
5 conduct and oversight of commercial fishing vessels with the help  
6 of our civilian staff and auxiliary.

7 So I set the programmatic guidance, the administrative  
8 management, and the day-to-day operation's directions, as well as  
9 the training of the conduct of our missions, both external and  
10 internal, as it relates to inspections mission.

11 One thing that is unique about the way Sector Los  
12 Angeles/Long Beach is set up is, oftentimes, under the Coast Guard  
13 Sector organizational construct, you often find that the  
14 facilities -- so regulated facilities and container inspections  
15 would normally fall under the inspections division, but at this  
16 sector that's not the case. At this sector, facilities and  
17 containers fall under a separate division. And what that means  
18 is, I am solely responsible for vessels.

19 Q. Is that separate division simply because the massive amounts  
20 of containers and facilities here?

21 A. Absolutely.

22 Q. Okay.

23 A. LA's the largest container port in the Western Hemisphere.  
24 And so, just from a personnel management span of control  
25 standpoint, that's the why it's set up the way it is here.

1 Q. Okay. And we just talked with the supervisor of MSD Santa  
2 Barbara. How many safety detachments are there?

3 A. There's just one for Santa Barbara.

4 Q. Just Santa Barbara. And does that -- do they report to you?

5 A. They do not.

6 Q. Okay. Who do they report to?

7 A. They report directly to Commander [REDACTED], who is my boss.  
8 Commander [REDACTED] is the prevention department head.

9 Q. Okay.

10 A. So their chain of command flows directly from Lieutenant  
11 [REDACTED] to Commander [REDACTED].

12 Q. Okay. For inspections, COIs or issuances and stuff like  
13 that, does anything from the detachment go through your office or  
14 does it go directly to your superior, Commander [REDACTED]?

15 A. For COI's, they do come through my office.

16 Q. Okay.

17 A. And so there's different categories, as you well know. And  
18 so, for the renewals and amendments to the COI's, they come  
19 through my office to Commander [REDACTED].

20 Q. And what's your AOR, as far as inspections go? As opposed to  
21 Santa Barbara.

22 A. Yeah. No, Santa Barbara -- so there's a little bit of  
23 overlaps obviously, because vessels go back and forth. So  
24 sometimes, boats that are normally out of Santa Barbara will come  
25 down here for jobs and vice versa. And so the cut-off line is

1 approximate in that sense. Right? We cover everything up to  
2 Marina Del Ray, as a general matter.

3 Q. Okay. And down to?

4 A. And down to Dana Point.

5 Q. Dana Point. Okay. Can you tell me a little bit about your  
6 background prior to becoming the Chief of Inspections here?

7 A. Sure. I enlisted in the Coast Guard in 2003. I served two  
8 years as an non-rate. And after that, in 2005, I went to Officer  
9 Candidate School. After graduating from Officer Candidate School  
10 in 2005, I was stationed at Sector San Francisco in the prevention  
11 department there, where I served as the facilities and containers  
12 inspection branch chief. I also served full-time as a command  
13 duty officer doing search and rescue.

14 From there I went to Sector Corpus Christi where I was a  
15 marine inspector. Did vessel inspections in Corpus Christi, for  
16 that tour. I also served as an investigating officer at Sector  
17 Corpus Christi.

18 Thereafter, I applied to and was accepted into the Coast  
19 Guard's legal program to become a JAG officer. And so I went to  
20 law school. I was lucky enough to go to law school in my hometown  
21 in Seattle, Washington. So I graduated from the University of  
22 Washington with a law degree in 2014. From there I served as a  
23 lawyer for the Coast Guard, advising very like -- very similar to  
24 what Mr. [REDACTED] is doing here; a command from 2014 to 2018 in  
25 Seattle, Washington, at the district office there. From there, I

1 was given orders to the Chief of Inspections job here, in Sector  
2 Los Angeles/Long Beach, in the summer of 2018.

3 Q. Okay. I'm involved in another accident in which a lawyer is  
4 also in inspections, [REDACTED] (ph.).

5 A. Oh, [REDACTED]?

6 Q. Yeah.

7 A. Down in New Orleans.

8 Q. So is it typical to kind of move back and forth between the  
9 legal side and the marine safety side, when you're a lawyer?

10 A. It's an opportunity that some of us have.

11 Q. Oh, okay.

12 A. Yeah. I wouldn't necessarily call it typical. There are a  
13 few of us, myself, [REDACTED], [REDACTED], that have that  
14 background. [REDACTED]'s a strong IO background. And we are lucky  
15 enough, at least in this service, to be able to do that.

16 Q. Okay. All right. So how long have you been the Chief of  
17 Inspections here?

18 A. Just over a year now.

19 Q. Just over a year? Okay. Are you involved, at all, in the  
20 qualification process for inspectors or the requalification  
21 process for inspectors up at Santa Barbara?

22 A. In a structural way, yes.

23 Q. Can you explain that?

24 A. And so, the qualification process at MSD Santa Barbara is  
25 mainly handled by that office. And so, as you probably already

1 know from Lieutenant [REDACTED], his office at the MSD is  
2 staffed with already qualified inspectors when they arrive to that  
3 unit. And so, that's -- they are not a training unit, so to  
4 speak.

5 Q. Um-hum.

6 A. This unit, here, is a training unit. And so I receive brand  
7 new inspectors straight out of their commissioning source or from  
8 another Coast Guard unit in which they haven't had any kind of  
9 inspections background.

10 So, the type of qualifications that exist at MSD Santa  
11 Barbara are more limited. So there's the requalification or what  
12 we call recertification process for people who are coming as  
13 inspectors already from other units; they have to get recerted.  
14 And so they, for those quals, they can't do that themselves.  
15 Right? So the MSD supervisor can recert his -- and by recert I  
16 mean, basically go out on an inspection and conduct the inspection  
17 with the incoming inspector, usually in their case the warrant  
18 officers, and then fill out an Inspections Performance Assessment  
19 Tool, an IPAT. And once he has satisfactorily completed that,  
20 they route it to me with a recommendation, and I am the signature  
21 authority for that piece of paper that's saying, hey, you've been  
22 recertified.

23 I don't, in my capacity, go out with each individual  
24 inspector and recertify them on each qualification. I rely on my  
25 leadership and Lieutenant [REDACTED]'s leadership, and I have a

1 conversation with him about the different qualifications and his  
2 level of comfort and their proficiency. And I receive the IPAT  
3 and then, based on their recommendation, I either approve or  
4 disapprove their certification, recertification. So that's for  
5 recertification processes. There are occasions where the MSD will  
6 have inspectors that are pursuing more advanced qualifications  
7 and, for that, we do support in the way of sending up inspectors  
8 to a system and providing assistance through our Marine  
9 Inspections Training Officer, Tom Coleman, who is a GS-13 that  
10 works for me, that oversees and runs the training program for the  
11 entire sector.

12 Q. Oh, okay.

13 A. So MSD does fall under their purview, for that purpose.

14 Q. Okay. I was going to ask you about the MITO. Is that -- am  
15 I'm saying it correctly?

16 A. Yeah, the MITO.

17 Q. And he reports to you?

18 A. He reports to me.

19 Q. I see. You mentioned the size of this port and this AOR as  
20 far as volume. With the inspectors assigned to you, do you ever  
21 have an issue with covering all of the inspection requirements  
22 that you have?

23 A. All the time.

24 Q. And how do you handle that?

25 A. This is a dangerous path. I -- it has been a challenge.

1 It's the Coast Guard's challenge. It's not unique to Sector Los  
2 Angeles/Long Beach. And it's -- we're all kicking the same dead  
3 horse. Pardon the characterization. We have challenges with  
4 training, generally, and we have challenges for a number of  
5 different factors. So if the question is specifically do we have  
6 difficulties covering inspections due to the number of people that  
7 we have available that are qualified for the specific platforms  
8 that require Coast Guard inspections? Yes. I can go into as  
9 granular as -- of detail as you'd like. There are different  
10 nuances, because MSD's challenges are not necessarily my  
11 challenges.

12 Q. Um-hum.

13 A. Right? They have their fleet of 70-plus boats. They have  
14 the specific types of platforms and they have their specific  
15 inspectors, who are generally more seasoned than inexperienced  
16 inspectors. So their challenges are a different flavor than the  
17 kind of challenges that I face down here in Los Angeles/Long  
18 Beach.

19 Q. Sure. Do you ever support each other in terms of -- excuse  
20 me -- inspections?

21 A. Absolutely. Absolutely.

22 Q. As in sending people up there to support them, and do they  
23 ever support you coming down here?

24 A. Absolutely. Absolutely.

25 Q. Okay. And is that to fill gaps when you have -- need to get

1 inspections done?

2 A. It is. It is.

3 Q. All right.

4 A. The gaps are qualifications gaps, as well as potential  
5 personnel gaps.

6 Q. Okay. As far as the T-boat fleet, has that had an impact on  
7 safety?

8 A. I'm sorry?

9 Q. As far as the T-boat fleet, has the gaps had an impact on the  
10 safe operation of these vessels?

11 A. There's two ways to approach that question. There are a  
12 number of linkages between the safe operations of a vessel and the  
13 number of personnel that we have available. And to make the leap  
14 directly from the number of people we have available and the  
15 actual operation of the vessel, there are any number of kind of  
16 correlated and then potentially causative impacts, and so those  
17 are two different things, obviously.

18 So I'll start by saying this: We typically are not short T-  
19 boat inspectors. Right? T-boat is a foundational qual. It's one  
20 of the first qualifications that a marine inspector is going to  
21 get. For that reason, I usually have enough T-boat inspectors to  
22 do all the T-boats that need to be done. And so, I don't see that  
23 the number of T-boat inspectors being the kind of gaps where we  
24 don't have enough people to do the job. The kind of gaps that we  
25 see are usually for the more advanced qualifications. So, for

1 example, it's either crew ship, machinery, or hull examinations or  
2 hull tank examinations. These are the advanced qualifications  
3 that require years and years of experience to be able to get. And  
4 so those are the qualifications that we usually run short on in  
5 terms of transfer seasons, we have experienced inspectors leaving  
6 and we are going to have to fill out those gaps.

7       With T-boats, there's a lot of them and we have a lot of  
8 T-boat inspectors. We've had to move schedules to accommodate the  
9 total number of inspections in order to make things work. But  
10 we've never been able to -- we've never had to say, look, we're  
11 just not going to be able to do your inspection, you're  
12 statutorily required inspection to operate, simply because we  
13 don't have -- we'll make it work.

14 Q.   Okay. All right. Going to COIs, again. COIs, like a  
15 renewal COI, again, you said that does go through your office; is  
16 that correct?

17 A.   That is.

18 Q.   The paperwork, at least?

19 A.   The paperwork does.

20 Q.   Okay. And how -- so an inspection is done, and I'm going to  
21 use the example up in Santa Barbara of a T-boat renewal.

22 A.   Um-hum.

23 Q.   How's that process work where they complete an inspection,  
24 it's satisfactory for renewal, how then is a COI generated?

25 A.   Absolutely. So the MSD generates the casework in MISLE for

1 the activity, right? And then they also generate amended or  
2 renewal COI. If we're talking about a renewal, then just a  
3 renewal COI. They'll generate that and they send it to the  
4 Assistant Chief of Inspections, Mr. McGuigan. He's a civilian  
5 here who is my, quote/unquote, "deputy." And he is the  
6 institutional knowledge and history of the division. He's been  
7 working here since the late 90's. He's retiring in 2 weeks.

8 But, the process has been for small passenger vessels, they  
9 route the casework to him, he conducts the casework review. Then  
10 for small passenger vessel, the way we have broken down -- and  
11 this changes from chief of inspections to chief of inspections.  
12 The way we have it currently set up is for all small passenger  
13 vessel cases, he routes those cases directly to Commander  
14 [REDACTED], and then through Commander [REDACTED] to the OCMI, to  
15 Captain Rochester for signature. And that's for 5-year renewals  
16 for small passenger vessels.

17 The way we have it broken down is, just to manage our  
18 workload here because of the volume of work that we get, is I  
19 review all of the deep-draft and, for example, the special craft  
20 vessel casework, so we can just kind of manage the flow. So, he  
21 does the small passenger vessels five years. If it's simply an  
22 amendment to COI, for, like they inspected a pressure vessel or  
23 they did a dry dock, something of that nature, they'll route that,  
24 oftentimes to the chief of the domestic branch, Dan Shephard  
25 (ph.), and he'll route that amended COI to Commander [REDACTED] for

1 signature.

2       So we have different checkpoints set up for different types  
3 of vessels, for -- and not just a different types of vessels, but  
4 the different types of casework. Because sometimes what you're  
5 doing is you're just amending a date on which an inspection was  
6 completed. Right? And that's the only thing that's changing on a  
7 COI.

8       So if that's the case, for example, like amending a date  
9 because of an updated dry dock, or any other kind of inspection of  
10 that nature which wouldn't require the CO's signature, that goes  
11 through Commander [REDACTED] directly. I don't see those, because  
12 it's an administrative amendment. Larger, you know, larger  
13 vessels, I do see all of those. Now, we've obviously changed  
14 things up in light of what's happened recently. So I'm reviewing  
15 all of the inspections, for example, that we're doing on small  
16 passenger vessels for the recent concentrated inspection campaign.  
17 For very specific reasons.

18 Q.   Sure.

19 A.   Right. But the standard five years, small passenger vessel  
20 COI from MSD, goes to Mr. McGuigan. And then from Mr. McGuigan it  
21 goes to Commander [REDACTED], and then up the chain to Captain  
22 Rochester for signature.

23 Q.   So in a renewal COI, the information in that COI, with the  
24 exception of the renewal information or the inspection information  
25 itself, the dated information, is that typically -- does that ever

1 change? I'll give you an example, the routes and conditions. If  
2 that vessel is continuing to do the same job that they were doing  
3 before, is that information in there just copied over from the  
4 previous COI or is it common that the information gets changed?  
5 Do you understand my question?

6 A. Yes. The routes and conditions. Is that specific  
7 endorsement portion or -- is that what you're focusing on? Or  
8 other parts --

9 Q. I'll start there. Yeah. So, for instance, a specific route  
10 or the condition, the statement about a -- having a roving patrol.  
11 Is that generally just copied over from the previous COI or is  
12 that routes and conditions reconsidered each time the COI is  
13 renewed?

14 A. Generally speaking, how it happens is, if the routes -- if  
15 what the operation of the vessel is not changed, right, the only  
16 reason why anything on the endorsement for the routes and  
17 conditions would change is if there was a regulatory or a policy  
18 change. So there are two ways that they -- well, there's probably  
19 more than two ways, but the two major ways that the routes and  
20 conditions would change would be, one, if the vessel decided to  
21 change their operation. Some vessels just decide to do that for  
22 insurance reasons or otherwise, right? So if they change their  
23 vessel or if they change their operations from a management  
24 standpoint or they -- say they want to go from overnight operation  
25 to 12 hour -- or less than 12 hours only, that would have changes

1 to their manning. Right?

2 Q. Um-hum.

3 A. So, that would change the conditions on board their vessel,  
4 and they would submit a request for that change and then we would  
5 review what the applicable, regulatory conditions would be, and  
6 then place that change into the routes and conditions portion of  
7 the COI. So that's industry initiated.

8 The other one is regulatory or policy initiated, which is  
9 what we are responsible for as far as oversight, right? And so,  
10 whether it's the inspector, Mr. [REDACTED], the ACID,  
11 Mr. McGuigan or myself, we are keeping abreast of all the  
12 additional updates to policies and regulations. And if there is a  
13 need for that change and we become aware of it, then we'll tell --  
14 we'll instruct the inspectors to say, hey, we need to make this  
15 change for this reason. Sometimes what we'll do, when those  
16 regulations come out is, we'll do it at the next available time at  
17 which point the COI is routed for amendment. Unless it's a very  
18 directive regulatory change that says, hey, as of this date, you  
19 know, all things, you have to change this, so -- they generally  
20 don't happen very often.

21 Q. I'll give you a very specific example that I've seen and  
22 where I'm going with this line of questioning is. The statement,  
23 in looking at COIs from various dive boats along the coast here,  
24 about the roving patrol, there are differences between boat to  
25 boat, and it's probably the nature of that difference is when that

1 COI was generated and then the original COI was generated. Is  
2 that likely the case?

3 A. Yeah. There's probably a number of reasons for that. There  
4 is document in our MMS, or Mission Management System, that gives  
5 you the standard language for the different endorsements on a COI.  
6 That MMS gets updated based off of new policy. It gets updated  
7 based off of decisions that are made at the OCMI level. It gets  
8 updated as a consequence of regulatory changes, right? Obviously,  
9 the nomenclature for the roving patrol, it used to be the  
10 watchman, right? So, like in old T, it's watchman. In new T,  
11 it's roving patrol. Things of that nature, language gets changed.

12 And so depending on when that vessel first went into service,  
13 when that inspector updated that specific language in the COI,  
14 whether or not the MMS existed at that point of time, because MMS  
15 has only recently, the last 10 years, has come about. And the  
16 degree of specificity that the chain who was reviewing that  
17 language, the degree to which they are familiar with those --  
18 whether they're local guidance, district guidance, national  
19 guidance, whether they're familiar with that, that all plays into  
20 potential differences in the language of that endorsement.

21 Q. Okay. That's very helpful. Is MMS Coast Guard wide or is  
22 this a sector tool?

23 A. It is Coast Guard wide.

24 Q. It's Coast Guard wide?

25 A. That's a broad statement. That can be taken a number of

1 ways.

2 Q. Well, let me give you a specific question. The language in  
3 the routes and conditions for a roving patrol, is that a Coast  
4 Guard wide or is that a sector wide element? If you don't  
5 know --

6 A. Yes. Yes is the answer to your question. And the reason why  
7 I say that, is because the language to the routes and conditions  
8 for Sector Los Angeles/Long Beach is a specific language for those  
9 vessels in our OCMI zone. Every single OCMI is required to have  
10 an MMS and, I imagine, that each OCMI has their routes and  
11 conditions. Occasionally, headquarters will say, you will need to  
12 put this language. But I imagine that there's likely variants,  
13 without knowing any other units' MMS, what their language is for  
14 the roving patrol. I don't know what Sector San Francisco's MMS  
15 says about roving patrol. The regulatory language is fairly  
16 clear. I imagine that most units take their language for the  
17 routes and conditions straight out of the regulations. I don't  
18 see any reason why it should differ substantially.

19 Q. So at OCMI, has some -- I can't think of the right words to  
20 say -- has some ability to dictate the routes and conditions based  
21 on the conditions or the specific peculiarities of an AOR. Is  
22 that correct?

23 A. Correct.

24 Q. Okay. All right. Has there been any changes that you have  
25 seen or that you've instituted in your office post-*Conception* with

1 regards to T-boat inspections. And I'm not talking about the  
2 concentrated campaign. I'm just -- have you changed any  
3 procedures for conduct of inspections of T-boats?

4 A. The process of inspecting T-boats themselves has not changed.  
5 As you well know, the regulatory world is large. We often find  
6 ourselves emphasizing and reprioritizing or bringing to the  
7 inspectors attention, oh, hey, by the way, remember to look at  
8 these items. Is that a change in the manner, in the process by  
9 which we conduct inspections? No. But we're constantly improving  
10 and reminding our inspectors. And, more specifically, as I  
11 mentioned earlier, Sector Los Angeles/Long Beach is a feeder port,  
12 so one major tenet of our mission here is to train apprentice  
13 marine inspectors.

14 So that's different from MSD, so we're -- every single week,  
15 on Tuesdays and Thursdays, we have meetings, all-hands meetings,  
16 with all of our inspectors, and if we find areas in which we need  
17 to, you know, bring to the inspectors' attention, as they are  
18 getting their initial qualifications, that's what we do, and we  
19 focus on that. So throughout the course of the past months, since  
20 September 5th, we have identified areas that are already existing  
21 in the regulations that say, hey, remember to pay attention to  
22 this.

23 Q. Points of emphasis.

24 A. Exactly. Exactly. So but the process itself has not  
25 changed, and it would be hard to change the process without being

1 directed by program to do so. Doing so unilaterally poses some  
2 concerns for us.

3 Q. Sure. So what have been some of the points of emphasis since  
4 September 5th for T-boats?

5 A. Well, the points of emphasis have been those items that came  
6 out of the concentrated inspection campaign, right? So the points  
7 of emphasis, generally speaking, are fire safety, firefighting,  
8 fire protection, egress, emergency egress, electrical systems.  
9 And one major point of emphasis, which is just a constant  
10 challenge, which is, what is happening to the vessel when the  
11 Coast Guard isn't on board the 363 days that we're not there in  
12 terms of modifications?

13 Q. Um-hum.

14 A. You know the marine safety manual says that, it reminds us as  
15 professionals to keep in mind that it is not the operator's job  
16 necessarily -- or it shouldn't be an expectation of ours that  
17 operators know all of the regulations and all of the new policies  
18 and issues that arise. So part of our job as compliance  
19 professionals is to consistently do outreach and to educate our  
20 fleet. As well as to educate ourselves, right? And so, we find  
21 that when we do that, educate and conduct outreach and have  
22 industry days, bring up these issues to say, hey, please remember,  
23 can't change your vessel without letting us know what you're doing  
24 on board so that we can exercise the appropriate oversight.

25 Q. Has that been an outcome of the concentrated campaign, is

1 discovering a lot of changes happened without informing the Coast  
2 Guard?

3 A. We have -- I'll put it this way. We've been finding out that  
4 vessels have been changing or modifying -- vessel operators have  
5 been modifying their vessels ever since the Coast Guard has been  
6 in the business of inspecting vessels. That's been a constant.  
7 Some operators are good and let us know and some operators aren't  
8 so great at that. As a result of the concentrated inspection  
9 campaign, we have found some instances of vessels that may have  
10 modified things. Whether or not that is a greater percentage now  
11 during the concentrated inspection campaign versus before, you  
12 know, as it relates to what we've normally seen? I can't say for  
13 sure. But yeah, there have been several instances in which we  
14 found things were modified.

15 Q. Has this, in your opinion, is this been a -- these  
16 modifications that have happened, is it a lack of knowledge or  
17 let's say negligence? Or it's just we don't know?

18 A. That's a hard question to ask somebody like me.

19 Q. As a lawyer?

20 A. In the number of hats that I wear. This is an opinion.  
21 Vessel operators often do what makes sense to them for their  
22 operations. If it means that they need to oversize a breaker so  
23 that the thing won't keep shutting off on them based on the size  
24 of the wiring, they might do that because it's less of a hassle.  
25 If it means that they need to install a dryer because there's an

1 operational need for a dryer on board, they might do that.

2 I hesitate to characterize one way as a lack of knowledge or  
3 another way as negligence. I will say that the Coast Guard's  
4 responsibility is to make sure that our operators know that it is  
5 incumbent on them to let us know what is changed on their vessel  
6 so that we can exercise appropriate safety oversight, which is  
7 what we do on an individual basis and on a collective basis when  
8 we do our outreach events.

9 Q. I see. And I was going to go to that question. I buy a  
10 fishing boat, I've never been in the industry before, how do I  
11 know that I have to report when I change a wire or change a cable  
12 run?

13 A. Absolutely.

14 Q. How do I know that? You said outreach. What kind of  
15 outreach do you do? Is that during the inspection process or is  
16 that a separate sort of task that you do?

17 A. Both. It is. Right? Each inspector is charged with at  
18 least being able to communicate professionally with the industry  
19 on what the requirements are. We can always improve in that area,  
20 right?

21 Q. Um-hum.

22 A. And a lot of them here are learning how to do the job.  
23 Separate from the interactions that the inspectors have with  
24 industry. I think every inspection is an opportunity for us to  
25 have a conversation about how to reach our mutual goals of safety.

1 Right? That's the reason why we're there. We're there for law,  
2 right, to enforce the law and to ensure a compliance with it. But  
3 we're also there to be the mouthpiece of the Coast Guard; to say,  
4 hey, this is what could potentially happen if you don't do x, y  
5 and z. Right? Or this is why this regulation was written because  
6 this happened. So we're constantly doing outreach on an  
7 individual basis when we're doing our inspections.

8 Separately, I am charged, as Inspections Division chief, and  
9 by my command, to engage in outreach opportunities for the very  
10 reason of, it's a lot easier to get compliance when you develop  
11 relationships and when you provide useful, relevant information to  
12 the operators that will help them. Not just in compliance, but  
13 ensuring a successful operation.

14 Q. Yeah.

15 A. And so we do, every year, we do a small passenger vessel  
16 industry day. That's something that we take a lot of pride in;  
17 in developing long term relationships with the operators. That's  
18 our opportunity to let them know, hey, this is what's happening at  
19 the national level. This is what's coming down the pipe. Now  
20 obviously, these operators often are part of individual  
21 associations as well. Sports Fishing Association of California,  
22 Passenger Vessel Association, et cetera, that have their own kind  
23 of advocacy and opportunities to learn about different things that  
24 are happening. But we find that it's really useful to have these  
25 industry day outreach events.

1       It's a whole day. We have an agenda. We invite everybody to  
2 get together. We can air out any of the issues that we're  
3 finding, whether they're administrative, whether they're  
4 regulatory, or otherwise. And, we do our best to push out, on an  
5 ad hoc basis, when new regulations come around or new policies  
6 come around. Whether they're safety alerts -- excuse me -- pushed  
7 out by an INV, whether they're MSIBs pushed out by CVC or our own,  
8 that are locally generated, on things to take note of.

9       Q. You mentioned the small passenger vessel day. How do you  
10 invite companies to participate? Do you do it through the  
11 associations or how do you do that?

12      A. Oh, we have their contact information for the industry.  
13      So --

14      Q. All the companies themselves?

15      A. Yeah. Yeah. So we just send out to our distribution group  
16 of industry representatives.

17      Q. I see. And do you know if Truth Aquatics, is it Santa  
18 Barbara? Do you send it out to Santa Barbara as well or is that  
19 under -- or are they not included in your AOR industry day type  
20 stuff.

21      A. As far as our industry day, we focus on the AOR fleet.

22      Q. I got it.

23      A. And so that's who we're inviting to our industry days.

24      Q. I see. And do you work a lot with PVA and SAC as far as  
25 advocacy?

1 A. We work a lot with PVA and SAC in terms of communications.  
2 Advocacy means a different thing to them than it does to the Coast  
3 Guard. So they're advocating for certain -- their constituents.  
4 We're obviously advocating for safety and compliance with  
5 regulations. And so, but we often are in conversation with them  
6 on different issues that arise.

7 Q. Okay. Oh, I had a question and I just dropped track on it  
8 here. Well, I'll hold off.

9 Go ahead Adam. I'm going to hold off here a second.

10 BY MR. TUCKER:

11 Q. A couple follow-ups. And again, my name is Adam Tucker. I'm  
12 with the National Transportation Safety Board. And Lieutenant  
13 Commander, thank you for talking with us.

14 I heard -- and I'm going to ask you probably some dumb  
15 questions because I've never been on the inspection side. I have  
16 no Coast Guard background at all. I'm just a mariner and that's  
17 it. I heard CID Notes mentioned previous.

18 A. Right.

19 Q. And what are CID Notes? Because I assume that that comes  
20 from you? And -- or the CID, I should say, whoever that is.

21 A. So CID Notes or C-I-D notes. It's half dozen one hand, six  
22 in the other. CID Notes is a monthly newsletter that is published  
23 by Coast Guard commercial vessel compliance program headquarters.

24 Q. Okay. Uh-huh.

25 A. It's not a dumb question. It's the way that headquarters

1 reaches out and directly touches the field. And so, it's a  
2 newsletter. CG CVC sends it out. CVC has several divisions  
3 within it: Commercial, they've got domestics, they've got port  
4 state control, they've got their oversight branch and the new CVC  
5 4, et cetera, and they've also got an off-shore compliance  
6 division, as well. So it's headquarters' way of keeping the field  
7 and the district offices apprised of the latest muscle movements  
8 insofar as policy, regulation, recognition of, and interpretation  
9 of regulation. And so -- and dissemination of recently published,  
10 whether they're procedures or constructions or other process  
11 guidance for the field. And so, that's what the CID Note is.

12 I don't generate the CID Note. I do send out the newsletter  
13 to all the inspectors and we have discussions on them. We do  
14 training based on them. And that's how we are connected to  
15 headquarters to make sure that we're in vertical alignment with  
16 what program is doing.

17 Q. Okay. And when you say program, what does that mean?

18 A. Program is -- so obviously, because the Coast Guard has 11  
19 different statutory missions, there's a commandant office; there's  
20 a Coast Guard headquarters office for every single different  
21 mission. So when I say program, I'm referring to the inspections  
22 program --

23 Q. Inspections program. Okay. Yeah.

24 A. -- at headquarters where they develop the policy and issue  
25 guidance.

1 Q. Understood. Related to the *Conception* --

2 A. Um-hum.

3 Q. -- that's why we're here -- and again, understanding your  
4 role as the CID -- I learned a new Coast Guard acronym. So --

5 A. We love our acronyms.

6 Q. Yes. Had you ever, were you ever aware of the *Conception*?  
7 Have you ever been on board, interacted?

8 A. No.

9 Q. No. Okay. Truth Aquatics?

10 A. No.

11 Q. And but as you mentioned in the -- I guess the COI workflow,  
12 I guess, when they, either at the renewal or the annual -- I'm  
13 going to make sure I understand. So it gets done by the  
14 inspectors, entry into MISLE, and then it gets work flowed through  
15 the ACID?

16 A. That's right.

17 Q. And the ACID reviews the case, and you mentioned sometimes it  
18 can be just administrative and --

19 A. Yeah. Sometimes they're just changing dates but sometimes  
20 there are substantive issues that arise. I don't mean to  
21 interrupt you.

22 Q. No, that's fine.

23 A. The points in time at which I engage directly in a small  
24 passenger vessel on a day-to-day basis is when there is an issue  
25 that arises that I need to address. Whether or not it's an

1 implementation or interpretation of policy or when there may be a  
2 difference of opinion between whether it's an inspector and  
3 industry, or it may be a difference in opinion or interpretation  
4 of policy or regulation between an inspector and somebody in the  
5 chain of command who is reviewing the casework, that's our  
6 internal quality control process. Right?

7 And so when those issues come up, then that's when I step in  
8 and address it and say, okay, well, let's have a discussion.  
9 What's the question? What's the issue? Let's address that and  
10 does it impact anything beyond this particular vessel.

11 Q. Right.

12 A. Sometimes we just get angry, concerned operators who may have  
13 a disagreement with a specific deficiency that we need to address.  
14 And sometimes it's an interpretation of policy issue. So on a  
15 day-to-day basis, however, the casework, like you described, goes  
16 from the inspector through -- if it requires a signature, it goes  
17 up the chain, through the ACID, then to the commander or to the  
18 captain. Now that being said, an annual inspection never makes it  
19 out of the MSD unless something needs to be updated in the  
20 certificate.

21 Q. Okay.

22 A. Right? So that gets closed out at the MSD level and there is  
23 no review that is being done at this office.

24 Q. Okay.

25 A. And so, depending on the type of inspection, you have

1 different levels of workflow.

2 Q. Okay. And so, in certain cases, again very broad, if  
3 something comes up, either during an annual or renewal, where a  
4 vessel is -- and I'm going to use a wrong word; I don't think --  
5 but again, I'm from the big tonnages. If there's a detention or a  
6 vessel is -- or there's a no-sail or something, does that ever  
7 escalate to you?

8 A. Oh, absolutely. Yes. So if a vessel is getting no-sailed or  
9 detained, now we, as of March of 2018, have a new Coast Guard  
10 internal policy by which we are enforcing effectively -- I say  
11 effectively because it's not a one-for-one match. The IMO  
12 standards for detentions on vessels to the entire US Fleet, which  
13 has not been something that was previously done. So as of March  
14 of 2018, there existed, at least in execution, the detention of  
15 small passenger vessels. All that means -- well, it means a lot  
16 of things, but it does mean that headquarters gets visibility when  
17 a small passenger vessel is detained.

18 Q. Okay.

19 A. But certainly, even before the implementation of that policy,  
20 and although it was prior to my time here, you know, vessels that  
21 get detained or no-sailed, at a minimum were briefed to the chief  
22 of Inspections Division level. Because we understand the economic  
23 consequences of that on industry, and so we want to make sure that  
24 we're being consistent and even-handed with the application of the  
25 regulations. So that does get briefed up to my level and higher.

1 Q. Okay. And to that note, understanding your tenure here, at  
2 Sector, is that common? Do you see that or is that a -- to see a  
3 vessel no-sail --

4 A. Oh yeah.

5 Q. -- and specifically a, you know, a domestic T-boat?

6 A. A small passenger vessel? Yeah, that happens on a daily, if  
7 not weekly, basis.

8 Q. Okay.

9 A. So I do get a flavor of which vessels in our fleet have  
10 higher risk.

11 Q. Okay.

12 A. Right? So the ones that I see, that I dig into, are the ones  
13 that are effectively the ones that have either safety, serious  
14 safety deficiencies --

15 Q. Right.

16 A. -- or on which there is concerns or questions.

17 Q. And to that point, does that -- we see the vessel critical  
18 profiles and all that. But to your point, there are good players  
19 and not so good players. And vessels of higher risk and vessels  
20 that, you know, are good players. Is there some means of tracking  
21 that or knowing that? Or is that just all contained in MISLE and  
22 you just have to read each individual, all the notes in MISLE?

23 A. Well, certainly MISLE is the repository for all the  
24 information on the vessel. So you should be able to find --  
25 should being the operative word, should be able to find all the

1 documentation in MISLE on all the vessels that exist. MISLE's  
2 only as good as the people who are putting information in it.

3 Q. Yeah.

4 A. We don't -- we do keep track of vessels that have been no-  
5 sailed in a number of different arenas, and we do keep track of  
6 vessel detentions locally here just as a part of our sector OPAR,  
7 which is a document that just tracks, you know, performance  
8 metrics for our different divisions for just our mission sense.

9 Q. Okay.

10 A. So, we have a number of different tracking tools. I'll  
11 probably bore you to death. We have spreadsheets that basically  
12 cover -- I mean, there's a spreadsheet that covers basically all  
13 the inspections and the types of control actions that we do. It's  
14 duplicative of what's in MISLE, but it's helpful for analysis of  
15 kind of long term trends. We have the OPAR document that I  
16 mentioned, and don't ask me what that acronym stands for. It  
17 stands for something meaningful, I'm sure. Operational metrics is  
18 what that document helps us track.

19 In our daily briefing, to the captain, we keep track of all  
20 the different vessels that have control actions on them. And so,  
21 and in addition we have tracking for all the legacy control  
22 action, the long-standing control actions.

23 Finally, on the board outside of my door there's another -- a  
24 white board that tracks all of the long-standing, no-sail  
25 detention items, and then an associated place where the folders

1 for all the documentation for the major issues are. So I would  
2 say, at least five different means of tracking, kind of, what the  
3 concerns are on vessels here.

4 Q. Okay.

5 A. And to that point, the vessels that MSD issues no-sails to,  
6 because they have to brief it up to us per our briefing matrix,  
7 which is another document in our MMS which tells us how high you  
8 have to brief up, what kind of control action, we list their  
9 vessels as well.

10 Q. Okay. And thank you for that. Back to T-boats, in general.  
11 And it's my understanding that there's a large population of T-  
12 boats in this AOR. What numbers are we talking about here for T-  
13 boats? Do you have that off the top of your head? If not, that's  
14 fine. I mean, we can get it.

15 A. Yeah. Not off the top of my head.

16 Q. Okay. And the liveboards, I guess? Any?

17 A. Let's put it this way. We did an initial scan of just -- and  
18 I'm going to say small passenger vessel because T and K boats,  
19 right, under 100 gross tons, basically.

20 Q. Yeah.

21 A. Of the small passenger vessels in the AOR, I think it's 300  
22 plus, if not closer to 400, we have 100 -- at least 112 to 115,  
23 that have some kind of bunks, accommodations for sleeping  
24 installed.

25 Q. Okay.

1 A. So, in terms of just pure numbers, at least a third or  
2 approximately a third of the vessels that are inspected as small  
3 passenger vessels have some form of overnight accommodations.

4 Q. Okay. And just by virtue of your role, do you go to the MSD  
5 in Santa Barbara often, or do you have them on speed dial? Do you  
6 do daily briefs? Or how does that all work?

7 A. I've been to Santa Barbara maybe twice, in my time, in my 1  
8 year here, because we manage a different number of missions. I  
9 talk to [REDACTED] relatively often and, if not the same, at least as  
10 much as Terry does. So Terry, Terry McGuigan and [REDACTED], are the  
11 ones that are in more constant contact as far as, you know, direct  
12 issues.

13 Q. Yeah.

14 A. It gets a little bit strange, I'll put it this way, because  
15 [REDACTED] reports directly to Commander [REDACTED]. So oftentimes what  
16 happens, because in the military setup, your chain of command, you  
17 follow your chain of command; we all do. So [REDACTED] will brief  
18 Commander [REDACTED], I, hey, I'm no-sailing this vessel. Commander  
19 [REDACTED], you know, he's also overseeing the other three  
20 divisions, including the MSD, and so sometimes he'll go directly  
21 to brief Commander [REDACTED] on the vessel issues, then Commander  
22 [REDACTED] will let me know and say, hey, do you know about it and  
23 like now we can have this conversation. So, but we have a great  
24 relationship between the AOR units.

25 Q. Okay. And do ever tag along on inspections? Like have you

1 been on inspection on one of these liveaboard T-boats?

2 A. No. If I had a couple of clones, maybe.

3 Q. Yeah. It's quite a big job you have. And to that point, you  
4 mentioned regulations and interpretation regulations and what the  
5 vessel owner and all that, so that seems to trickle through you or  
6 through the ACID.

7 A. Um-hum.

8 Q. But just say if, you know what, we're stumped here, we need a  
9 better interpretation, we've got to escalate that to  
10 headquarters --

11 A. Oh, absolutely.

12 Q. -- or I don't where, but is there like a -- and again, bad  
13 verbiage, but is there a sub-T guru, an old-T guru, that you can  
14 kind of go to, or --

15 A. The way that the units are set up is that, so each unit  
16 reports to the officer in charge of marine inspections. And then,  
17 but for programmatic guidance on policy and interpretation, we go  
18 up our chain of command. And so, our immediate chain of command  
19 above the sector is the district. At district there are different  
20 divisions. So there's the prevention division, right. And under  
21 the prevention division there is the prevention division officer  
22 who is responsible for inspections and investigations. That's  
23 Commander [REDACTED] at District 11. Programmatically he falls  
24 between us and headquarters office.

25 Q. Okay.

1 A. So we go to District 11, DPI, is his staff symbol, for  
2 programmatic guidance and interpretation on policies.

3 Q. Okay. So --

4 A. And then he, in turn, goes presumably to headquarters, if  
5 there's any concern or question.

6 Q. Understood. And just, are you aware of like -- we brought up  
7 PVA and SAC.

8 A. Um-hum.

9 Q. We've only learned of SAC since we've been back here.

10 A. Oh, okay.

11 Q. But are you aware of these T-boats and how many are members  
12 of PVA and how many members of SAC or anything?

13 A. In a general sense, yes.

14 Q. Okay. And generally what numbers are we looking at,  
15 generally?

16 A. Oh, I couldn't tell you specific numbers off the top of my  
17 head. I know that SAC has their fleet that largely overlaps  
18 between our zone and San Diego. It's sports fishing fleet, right?

19 Q. Yeah. Um-hum.

20 A. And these are charter fishing vessels, right, that oftentimes  
21 do have overnight accommodations. PVA, you've got kind of the  
22 larger end of the small passenger vessel fleet.

23 Q. Okay.

24 A. So hornblower, those types of vessels are -- fall under PVA's  
25 umbrella.

1 Q. Is that documented anywhere in MISLE? Like are you able to  
2 see that, or you just learn it when you -- when somebody's on  
3 board?

4 A. Yeah, I don't directly recall of any kind of documentation in  
5 MISLE, unless you've got correspondence. But they are an advocacy  
6 organization that speaks on behalf of the class, the category of  
7 the vessels.

8 Q. So you mentioned also the CIC, the Concentrated Inspection  
9 Campaign, and so the scope, as I understood, just wanted to make  
10 sure was fire safety, fire I guess response, fire detection.

11 A. Do you all have the message?

12 Q. No.

13 MR. EHLERS: Not yet.

14 LCDR [REDACTED]: Oh, okay. I can just email it to you. I mean --

15 UNIDENTIFIED SPEAKER: That'd be great.

16 MR. TUCKER: Yeah.

17 LCDR [REDACTED]: I mean, it lays everything out in detail.

18 MR. EHLERS: Okay. Yeah. That'd be fantastic.

19 LCDR [REDACTED]: You'll enjoy that.

20 BY MR. TUCKER:

21 Q. We'll probably -- yeah. And just in general, how has that  
22 been received by the industry or how has that trickled up to you?  
23 And then the other question is, are there -- what are some of the  
24 general findings when the inspectors are out there?

25 A. So it's still ongoing Coast Guard wide. I think the last

1 number was that we were at 97 percent completion. What's the  
2 specific question with respect to the CIC?

3 Q. What were some of the general findings.

4 A. The general findings?

5 Q. Yeah. Like, you know, in the electrical ball park or crew  
6 training response? We'll get those numbers. I just didn't know  
7 if like some would kind of --

8 A. Yeah, it's hard to generalize. I could tell you boat by  
9 boat, right? There are some issues that have cropped up. For  
10 example, we've seen on several vessels oversized breakers, right?  
11 And so, that's one issue that has come up. Generally speaking,  
12 we've seen issues with mattresses and the requirement for  
13 mattresses, if renewed after 1996, to meet a certain standard. So  
14 we've gotten a number of appeals on the requirements that we have  
15 written for vessels to provide mattresses that meet the standards  
16 in the regulations.

17 Q. Okay.

18 A. Fire retardant standards. And then for -- we've also seen  
19 some issues as it relates to galley, fire protection for the  
20 galleys.

21 Q. Um-hum.

22 A. And the requirement for galley hoods, we've seen issues as it  
23 relates to the number of persons allowed on board vessels as it  
24 relates to double bunks. I don't know if anybody's mentioned the  
25 double bunk issue, which is you've got two sets of bunks -- say

1 you've got a double bunk on the bottom, whether or not -- if  
2 you've got two people in one bunk, whether or not that is adequate  
3 for egress if you've got somebody else in the way, and the height  
4 between the bunks makes it such that it would be difficult for  
5 somebody to leave or to escape.

6 We've seen issues with general arrangements as it relates to  
7 emergency escapes being properly lit. We've seen questions as it  
8 relates to whether or not it is the correct interpretation of the  
9 regulations, such as to allow two emergency escapes from a space  
10 that goes to the same compartment. I think that's a question that  
11 we're currently still struggling with. Well, not struggling with,  
12 that we're implementing a plan for.

13 Q. Um-hum.

14 A. We've seen issues with crew training. The crew training is  
15 hard to generalize, right? Crew training is about as generic as  
16 you can make that statement.

17 Q. Yeah. Yeah.

18 A. Whether or not we're seeing all of the crew on an inspection,  
19 we're not. Let's just start there. We don't see the entire crew  
20 on an inspection. We see the crew that's there that day for the  
21 inspection. Generally speaking, we see the best crew for the  
22 inspection. So those are some of the issue. They're certainly  
23 not exhaustive, but those are some of the issues that have come up  
24 to my attention, thus far.

25 Q. Okay.

1 A. I'll say this. Depending on the operator, knowledge of the  
2 roving watch requirement has been, across the board, varied.

3 Q. Um-hum. Understood. I think that's all the questions that I  
4 have right now. And I'm actually going to ask for a pause.

5 MR. EHLERS: All right. We're going to take a pause. We're  
6 going to pause the recording.

7 (Off the record.)

8 (On the record at 12:32 p.m.)

9 MR. EHLERS: All right. It's 12:32, we're recommencing our  
10 recording.

11 BY MR. FAWCETT:

12 Q. Keith Fawcett of the Coast Guard. Commander, just a couple  
13 of questions. So how many civilian inspectors do you have in your  
14 office? You mentioned the ACID and Mr. Thomas, who is your MITO.  
15 Do you have anybody else?

16 A. I have seven.

17 Q. No, civilians.

18 A. I have seven.

19 Q. Oh, seven in the domestic inspections?

20 A. Oh no, not in domestic. I have seven overall.

21 Q. Okay. So who would be in the --

22 A. So I have Mr. McGuigan, who is the assistant chief of  
23 Inspections Division.

24 Q. Um-hum.

25 A. Tom Coleman is the MITO. Dan Shephard is the Domestic Branch

1 chief. I have Mr. Cisseron, Schneider Cisseron (ph.), he's a  
2 marine inspector. I have Mr. John Luzader; he's also a marine  
3 inspector. I have Mr. Mark Winn, who is a commercial fishing  
4 vessel examiner. And then I have Mr. James DePure (ph.), who is  
5 also a marine inspector. They, the marine inspectors, can rotate  
6 between branches, except for Mr. Winn, who is in charge of the  
7 commercial fishing vessel branch.

8 Q. And then, just to clarify, you were talking about an industry  
9 outreach and you said for your fleet. Does that include MSD Santa  
10 Barbara? In other words, how do they handle their industry  
11 outreach, like industry day for SPVs, or do you do that as an  
12 umbrella for everybody within your AOR?

13 A. We do it for -- well, I'll say it this way. We invite  
14 everybody. And many of our fleet operates both in our zone and  
15 MSD's AOR. I can't say for certain whether or not we have 100  
16 percent coverage of all the operators from the Morro Bay line down  
17 to Dana Point, but we certainly do our best to invite everyone.

18 Q. And then, we were fortunate enough to go out on an inspection  
19 the day before yesterday to one of the overnight boats, the  
20 *Sunrise Express* -- wasn't it?

21 A. *Sundiver*.

22 Q. *Sundiver Express*. So were you briefed, as the CID, on the  
23 outcomes relating to any safety issues that were uncovered during  
24 the course of that inspection?

25 A. I was on leave. So at that point in time Mr. McGuigan was

1 acting. And I just returned yesterday, so I have not yet been  
2 briefed on the *Sundiver*. But I'm positive that Mr. McGuigan was  
3 in my absence.

4 Q. So did you note anything on the white board maybe related to  
5 that vessel?

6 A. I think so. Yeah.

7 MR. FAWCETT: Okay. All right. Thank you. That's all I  
8 have.

9 BY MR EHLERS:

10 Q. When an inspection is being conducted and the inspectors find  
11 discrepancies, is it common for owners to appeal?

12 A. No. I mean, we get appeals. Occasionally. So it's not  
13 common, but they do happen.

14 Q. Okay. But not on a regular basis with --

15 A. Depends on which owner.

16 Q. Okay.

17 A. Yeah.

18 Q. So some owners are more --

19 A. More inclined to, yes.

20 Q. More inclined to, okay. All right. Any T-boat operators in  
21 your AOR using an SMS, that you're aware of?

22 A. There are some, that have their own software for SMS. SMS is  
23 a broad term.

24 Q. True.

25 A. So some of the larger operators do have an internal system.

1 In principal, if not in complete execution or in design, some of  
2 the larger -- like the Catalina Express company, they have  
3 something of an SMS. But I wouldn't say that it is completely  
4 widespread, no.

5 MR. EHLERS: Okay. That's all I have Adam. Thank you.

6 BY MR. TUCKER:

7 Q. Okay. Is there any internal policy for -- there was a  
8 question I had, and that was actually two -- but is there any  
9 internal policy that you're aware of for rotating inspectors  
10 through so that the same inspector's not on the same vessel over  
11 and over and over again? Because I understand that can be  
12 sometimes good, to have the same inspector, and sometimes not so  
13 good.

14 A. Absolutely. Yes. There is an internal policy on -- we  
15 rotate inspectors, at least within sector, between port state  
16 control and domestics.

17 Q. Okay.

18 A. And there -- I can get into the details if you want, but we,  
19 as a general matter, yes, there is a rotation policy.

20 Q. Okay.

21 A. It's not the case at every single unit that that's the case.  
22 But here we do.

23 Q. That's -- so sector --

24 A. That's a Sector Los Angeles/Long Beach policy. Inspections  
25 Division Policy, that's right.

1 Q. But that would not apply to the MSD, again, which is must  
2 smaller and has a --

3 A. No. They've got three. And then, if you're looking at  
4 domestic inspectors. And then for port state control, they've got  
5 a couple more. And they've got to all cover it, so, yeah.

6 Q. Okay.

7 A. Not to my knowledge, at least. I'm not going to speak on  
8 [REDACTED]'s part.

9 Q. Um-hum.

10 LCDR [REDACTED]: Mr. Tucker, are you getting to what happened,  
11 for example, with the *Conception*, where the same inspector did it  
12 3 years in a row, is there a policy against that? Is that what  
13 you're asking?

14 MR. TUCKER: Correct. Yeah.

15 LCDR [REDACTED]: So that's a little different then what you're  
16 describing.

17 LCDR [REDACTED]: Oh, that's completely -- yeah. Again, we have so  
18 many trainees. And there's an internal Coast Guard policy that  
19 requires the trainees to get proficient and get qualified in  
20 specific qualifications. And in order to facilitate that, I  
21 rotate my inspectors so that they have time in both foreign and  
22 domestic inspections so that they can meet the requirement.  
23 That's part of what's mandated for my mission set here. MSD's  
24 their own animal, as far as that goes. I don't -- that's not  
25 applicable to them because they're not a feeder, they're not a

1 training port.

2 BY MR. TUCKER:

3 Q. Understood. And I guess my last question is, is there  
4 anything that we haven't asked you, or is there anything that you  
5 feel that would be helpful provided to us, related to this  
6 investigation?

7 A. I think that my only thought would be that, I think it would  
8 be helpful to talk to Mr. McGuigan. Clearly, the casework goes  
9 through him. And we've made a conscious decision in order to  
10 manage our workload, such that he has - not only due to his, you  
11 know, 20 plus years of experience here, relationships with the  
12 different operators, that he has a better view of what's happening  
13 in the small passenger vessel fleet. I have a view of what's  
14 happening in the risk, the high risk players.

15 Q. Right.

16 A. Right? I've been here all of a year, so I've been able to  
17 introduce myself to the operators, but I don't have nearly the  
18 kind of institutional knowledge that he does on the kinds of  
19 issues, long-term, that may exist. I have definitely got a good  
20 view on the emergent issues, right? Because they come up all the  
21 time. But across the board, I can't say that I have that  
22 information, and I think it may help you, if you want to get a  
23 longer term view, to talk to Mr. McGuigan. You've got a week and  
24 a half. And really, you've got a week.

25 UNIDENTIFIED SPEAKER: I know we can always bring him back

1 in, though.

2 LCDR [REDACTED]: He's on payroll until the 31st of December. His  
3 retirement is on December 12th, but he will be in after that. So  
4 I'm not trying to throw him under the bus, it's just the nature of  
5 his position, that he's got the historical knowledge.

6 MR. TUCKER: Yeah. Absolutely. I was actually thinking the  
7 same thing, so --

8 LCDR [REDACTED]: I can help you programmatically, structurally, you  
9 know, like that's where I can help you, but, so -- I apologize for  
10 that.

11 MR. TUCKER: Nope. All good.

12 MR. EHLERS: I'm going to stop the recording.

13 (Whereupon, the interview was concluded.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE AND SINKING OF THE CONCEPTION  
WITH LOSS OF LIFE NEAR  
SANTA CRUZ ISLAND, CALIFORNIA  
SEPTEMBER 2, 2019  
Interview of LCDR [REDACTED]

ACCIDENT NO.: DCA19MM047

PLACE: Los Angeles, California

DATE: September 5, 2019

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

[REDACTED]  
Gayle Gorman  
Transcriber

## Errata

Interview of LCDR [REDACTED]

<u>Page &amp; Line</u>	<u>Correction</u>
Page 9 Line 4:	[REDACTED] (corrected spelling).
Page 9 Line 5:	[REDACTED].
Page 9 Line 13:	[REDACTED] (corrected spelling).
Page 9 Line 14:	“[REDACTED]’s got a strong...” instead of “[REDACTED]’s a strong.”
Page 10 Line 14:	The second “they” refers to [MSD].
Page 14 Line 1:	cruise ship, not “crew ship.”
Page 15 Line 21:	“small passenger vessels five years” should be changed to “small passenger vessels’ 5-years” [This refers to Renewal COIs].
Page 38 Line 19:	I think the transcriber may have mis-heard this entire line: I do not recall saying that “you’ll enjoy that”
Page 41 Line 25:	Dan Sheppard (corrected spelling)
Page 42 Line 1:	Mr. Ciceron, Scnyder Ciceron (corrected spelling).
Page 42 Line 3:	Mr. Marc Nguyen (corrected spelling).
Page 42 Line 4:	Mr. James Dupureur (corrected spelling).
Page 42 Line 6:	Mr. Nguyen (corrected spelling).